IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7291 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAHIMKHAN I PATHAN - Petitioner(s)
Versus
BOTAD NAGAR PALIKA & 1 - Respondent(s)

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Appearance :
M/S THAKKAR ASSOC. for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,
Ms. Archana Raval, Asst.GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 02/11/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner, who was at the relevant time serving as Chief Offier of Botad Nagarpalika, has challenged the legality

and validity of the order of suspension dated 18.9.1996 passed by the respondent. During the pendency of the present Special Civil Application there was an interim protection in favour of the petitioner and the petitioner continued in service.

2. Today when the matter is called out, Ms. Vinita Vinayak, learned advocate appearing for the petitioner has submitted that during the pendency of the present Special Civil Application the petitioner has attained the age of superannuation and was permitted to retire and therefore the petition has become infructuous. In view of the above, without entering into the merits of the case, this petition is dismissed as having become infructuous. Rule is discharged. Ad-interim relief stands vacated forthwith.

[M.R. Shah, J.]

RMR.